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**From:** Phil Wheeler  
**Sent:** 27 February 2009 21:46  
**To:** david\_mackay( [REDACTED] )  
**Cc:** Jenny Dawe; Tom Aitchison  
**Subject:** RE: Richard Walker - Confidential

David

Many thanks for you response.

I have a meeting until 1.30 approx, and will postpone a routine meeting with Marshall in my diary at 2 pm.

Have a good weekend

Phil

-----Original Message-----

**From:** "david\_mackay( [REDACTED] )" <david\_mackay( [REDACTED] )>  
**To:** "Phil.Wheeler@edinburgh.gov.uk" <Phil.Wheeler@edinburgh.gov.uk>; "Jenny Dawe" <Jenny.Dawe@edinburgh.gov.uk>  
**Cc:** "Tom.Aitchison@edinburgh.gov.uk" <Tom.Aitchison@edinburgh.gov.uk>  
**Sent:** 27/02/09 14:46  
**Subject:** Re: Richard Walker - Confidential

Phil,

Thanks.

I did counsel you that you would be fed a litany of lies, half truths and so on and I'm sure you will recall from many briefings and from many sources that has been characteristic of RW for many moons. There is a dangerous game being played here!!

I earnestly hope that his improper allegations are not now getting credibility albeit , as I commented this morning when you called me, you're too experienced and sagacious to be fooled by the likes of RW.

However given your feedback why don't Steven and I meet you here early on Monday afternoon,(1400hrs?), to put your mind totally at rest.

Regards,

David

-----Original Message-----

**From:** [Phil.Wheeler@edinburgh.gov.uk](mailto:Phil.Wheeler@edinburgh.gov.uk)  
**Date:** 27/02/2009 14:14  
**To:** <david\_mackay( [REDACTED] )> "Jenny Dawe" <Jenny.Dawe@edinburgh.gov.uk>  
**Subj:** Richard Walker - Confidential

David and Jenny

Richard Walker spent an hour or so with me (I was supported by Ewan Horne). A summary of the discussion from my notes:

He does tend to refer to selected clauses of the contract and the "Schedule 4" supplement, on the basis of which he alleged that "tie refuses to administer the contract in the terms in which it was written", and "the contract patently does not work". He also asserted that it was not a fixed-price contract, given the flexibility of some of the paperwork; in a contract of this magnitude, change is inevitable.

The nub of his case was that tie is in breach because his people have not been given completely free clean possession of any sections of the route. As an instance he quoted the depot site, and the problems with the water main which have prevented the start of assembling the steelwork for the principal building. He also cited Leith Walk. [Does tie have recourse against Carillion for delays with MUDFA, or is that risk with tie?]

He showed me copies of various documents, including Steven Bell's minute on tie paper of a meeting on 17 December last. In addition, he referred to a meeting of the respective programme managers in January (last month) when the sum of changes and delays was quantified, leading to the extra 16 months requirement. Such a delay means big bucks, hence the £50/80 million estimate. I reminded him that CEC had a finite amount of money for this project.

He also alleged that tie does not have any senior civil engineers who can relate to BB and understand their problems, or even the obligations of the contract. This worries me, if true, since it leaves tie very exposed technically. As an instance, he quoted the need for some 4 km of additional steel piling along the railway embankment, costing around £5m, which he says tie do not regard as a change to the original spec.

He also stated that the consortium had met this week to agree their side of the case, only for Steven to abort the proposed meetings with tie from Wednesday onwards.

From time to time, he restated that he was keen to deliver the project, and I reminded him that I wanted to see it delivered too.

These discrepancies between BB's story and the one given consistently to the tie board are worrying.

In conclusion, he told me that Dr K was coming over on Monday.

I am hoping to get away asap, but will have my mobile on over the weekend, and will be back in on Monday morning.

Phil

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